

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Relay Services)	
and Speech-to-Speech Services for)	CG Docket No. 03-123
Individuals with Hearing and Speech)	
Disabilities.)	
)	
Access to Emergency Services)	

REPLY COMMENTS OF VERIZON¹

The comments in this proceeding reflect a broad consensus among representatives of the deaf community and providers of IP Relay and Video Relay services (“VRS”) that these services differ in significant ways from interconnected Voice over Internet Protocol (“VoIP”) services. In particular, IP Relay and VRS do not use North American Numbering Plan numbers, and providers of these services do not have any “provider/subscriber” or other billing or contractual relationship with users of the services. Instead, users of IP Relay and VRS can use those services on a one-time basis without establishing an account or profile, and they can use a different provider each time they make a call.²

Verizon supports the Commission’s efforts to ensure that robust emergency calling capabilities are available to people with hearing or speech disabilities as well as to those without; to further that goal, Verizon is exploring ways to give priority to emergency calls coming into its

¹ On Jan. 6, 2006, MCI, Inc. merged into MCI, LLC, a wholly owned subsidiary of Verizon Communications Inc. Verizon’s IP Relay and VRS services are provided by MCI Communications Services, Inc. d/b/a Verizon Business Services (“Verizon”).

² E.g., National Association of the Deaf at 2-4, 7 (“NAD”); Hamilton Relay at 3-4; Sorenson at 10-14; Sprint at 3-4, 6-8; David Hoover, Communication Access Center for the Deaf and Hard of Hearing at 5-10 (“CACDHH”); Verizon at 2-7.

relay centers. To further the goal of functional equivalency between relay services and services available to individuals without hearing or speech impairments, the Commission should ensure that users and providers of IP Relay and VRS have privacy and liability protections to the same extent as wireline and wireless providers of emergency calling services. Finally, the Commission should retain jurisdiction over IP Relay and Video Relay services for both oversight and funding purposes.

1. The Commission should not impose a registration requirement on users of IP Relay or Video Relay services. As Verizon and a number of other commenters explained, key differences between VoIP and IP Relay or VRS preclude the ability to apply the VoIP 911 Order registration and other requirements to IP Relay or VRS. For example, as Sprint explained, “there is no provider/subscriber relationship” between IP Relay or VRS providers and the users of their services.³ Users of IP Relay and VRS services can use those services on a one-time basis without establishing an account or profile, and they can use a different provider each time they make a call.⁴ As a result, IP Relay and VRS providers do not have billing or contractual relationships with the users of their services that would enable them to generate, administer, track or verify registered locations for these users.⁵

Only one commenter – New Jersey Ratepayer Advocate – supports a mandatory registration requirement for users of IP Relay and VRS.⁶ That support appears to be based on the assumption that IP Relay and VRS are like VoIP. For example, the New Jersey Ratepayer

³ Sprint at 7. *See also* Hamilton at 4 (“relay providers do not have ‘customers’ or ‘subscribers.’”).

⁴ Verizon at 4.

⁵ *Id.*; Hamilton at 4; Sprint at 6-7.

⁶ NJ Ratepayer Advocate at 5, 8-9. *See also id.* at 8 (“the Ratepayer Advocate supports the use of the *VoIP E911 Order* as a model for VRS and IP Relay services”).

Advocate suggests that IP Relay and VRS providers should advise “new and existing customers” of the technology with respect to access to E911, and should obtain affirmative acknowledgements “from every subscriber.”⁷ As explained above and in the comments, however, IP Relay and VRS users do not “subscribe” to providers’ services, and providers generally do not have user address or location information. Nor do providers have the ability to know or track whether a user has previously registered a location or acknowledged the limitations of IP Relay and VRS emergency calling services.⁸

The New Jersey Ratepayer Advocate suggests that providers should require users to affirmatively acknowledge whether they are at their Registered Location before every call.⁹ This would require users to register with every provider of VRS or IP Relay services, or the creation of a national database. As the National Association for the Deaf points out, however, requiring deaf and hard of hearing users to do that would be “burdensome and excessive,” and would not meet the statutory requirement of functional equivalency.¹⁰ Moreover, a mandatory registration system contemplates some type of enforcement. But as Hamilton Relay explains, IP Relay and VRS providers are prohibited by statute and by Commission rules from refusing calls by relay users.¹¹ Unlike VoIP, where providers must refuse to provide service in areas where they cannot comply with the Commission’s rules, IP Relay and VRS providers may not refuse to handle calls from users who do not register or update their location information.¹²

⁷ *Id.*

⁸ *See Verizon* at 6.

⁹ NJ Ratepayer Advocate at 7.

¹⁰ NAD at 3, 5. *See also Verizon* at 6, 8-9.

¹¹ 47 U.S.C. § 225(d)(1)(E); 47 C.F.R. § 64.604(a)(3)(i).

¹² *See Hamilton Relay* at 4.

Communication Service for the Deaf (“CSD”) suggests that the Commission adopt a voluntary registration requirement.¹³ CSD suggests that “a user’s location information could be linked to unique hardware identifiers, such as a MAC address, an IP address, a domain name or other identifiers.”¹⁴ As Verizon explained in its Comments, however, neither IP addresses nor MAC addresses provide a commercially feasible way for providers reliably to associate a particular user’s address with that user’s specific geographic location.¹⁵

Communication Access Center for the Deaf and Hard of Hearing suggests that Internet Service Providers should be required to assign a permanent unique numerical identifier every time a new internet access service is established at a physical address. CACDHH apparently would impose this requirement on every ISP and every new internet access service, and would not limit it to service established for deaf users.¹⁶ As CACDHH appears to recognize,¹⁷ this would work a substantial change in the way that the entire Internet operates.¹⁸ The Commission should not adopt a requirement that would subject the Internet to such radical regulation.

2. The Commission should encourage providers to develop means of recognizing incoming emergency calls, but should not mandate specific technical requirements. The Commission asked whether and how VRS and IP Relay providers could identify incoming calls as emergency calls so that such calls could be promptly directed to a Communications Assistant

¹³ CSD at 12-13.

¹⁴ *Id.*

¹⁵ Verizon at 3-4.

¹⁶ CACDHH at 4.

¹⁷ *Id.* at 3-4.

¹⁸ *See also* Verizon at 3-4.

without waiting in queue.¹⁹ Commenters suggested different approaches to this issue. CSD, for example, suggested the possibility of using separately dedicated and trained staff to handle emergency calls.²⁰ Sorenson suggested routing emergency calls to a unique IP address or providing a separate point of entry for 911 calls on Web pages.²¹ Verizon is exploring ways in which emergency calls could be identified so that they could be given priority handling. As a preliminary matter, it is apparent that solutions are likely to be different for different services – i.e., Video Relay or IP Relay – and may also differ depending on whether the calls are made from a device such as a personal computer or from a BlackBerry™, Sidekick™, or other mobile device. It is important, therefore, that the Commission not mandate a particular approach or solution. Instead, the Commission should encourage VRS and IP Relay providers to explore a variety of solutions. Encouraging such innovation is likely to produce the most beneficial results.²²

3. The Commission should adopt user privacy protections and provider liability protections that mirror wireline and CMRS protections. As Verizon and other commenters noted, adoption of a mandatory registration requirement could create a potentially troubling database of users identified by their disabled status and linked with location information and with the provision of a particular telecommunications service.²³ Many commenters explained that the adoption of a registration requirement would raise serious privacy concerns for the disabled

¹⁹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Access to Emergency Services*, 20 FCC Rcd 19476, ¶¶ 26 (2005).

²⁰ CSD at 15.

²¹ Sorenson at 8-9.

²² *See id.* at 6.

²³ E.g., Verizon at 5; Sprint at 6-7.

community.²⁴ Users of VRS and IP Relay services are entitled to the same privacy protections as customers of wireline and wireless services. *See* 47 U.S.C. § 225(a)(3). To ensure that users of VRS and IP Relay services receive these same protections, providers of VRS and IP Relay services should comply with the same requirements and receive the same protections associated with obtaining and transmitting customer information for 911 purposes as wireline and wireless carriers do today.

Providers of VRS and IP Relay services also should enjoy the same protection from liability in connection with the provision of 911/E911 services as wireline and wireless carriers do.²⁵ There is no rational reason for a policy that increases liability for those who provide these critical services to the community. To the contrary, ensuring that relay service providers enjoy the same protections as other service providers will help ensure that users continue to receive functionally equivalent service.

4. The Commission should retain jurisdiction over IP Relay and VRS. No commenter supported the idea of using a registration system to allocate costs of providing VRS or IP Relay services to the states. Instead, there is widespread recognition that the nature of these services, including the fact that users can access them from any Internet connection, the IP or MAC addresses do not inform providers of their users' locations, IP Relay and VRS generally do not use telephone numbers, and providers do not have billing addresses for their users, "preclude any practical identification of, and separation into, interstate and intrastate communications for purposes of effectuating a dual federal/state regulatory scheme."²⁶ As a

²⁴ *See* Sprint at 6-7; Hamilton Relay at 3, n.5; NAD at 3;

²⁵ Hamilton Relay at 4-5.

²⁶ *Vonage Holdings Corp. Petition for Declaratory Ruling*, 19 FCC Rcd 22404, ¶ 14 (2004). *See also* Missouri PSC at 2-3; CACDHH at 13; Verizon at 7-9; Sorenson at 16-17; Sprint at 11.

result, the Commission should retain jurisdiction over IP Relay and VRS for both oversight and funding purposes.

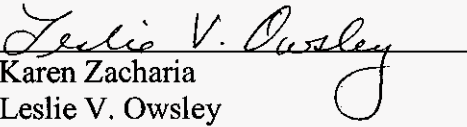
In exercising that jurisdiction, the Commission should not impose requirements that would significantly increase the size of the interstate fund. As Verizon explained in its comments, the proposal to impose a registration requirement on users of IP Relay and VRS could result in significant costs while doing almost nothing to improve the emergency calling capability provided by these services today. It would be inappropriate to inflate costs for consumers when there is no corresponding benefit.

Conclusion.

For the foregoing reasons, the Commission should not adopt a mandatory registration requirement for VRS and IP Relay services and should not extend other requirements of the *VoIP 911 Order* to these services. In any event, however, the Commission should retain jurisdiction over these services.

Respectfully submitted,

Michael E. Glover
Of Counsel


Karen Zacharia
Leslie V. Owsley
1515 North Courthouse Road
Suite 500
Arlington, Virginia 22201

(703) 351-3158

Attorneys for Verizon

March 8, 2006